

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.** See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

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**SEP 24 2009**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2008-0385
	)	DEPARTMENT B
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
JOSE MIGUEL HARO-ARCE,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20074399

Honorable Deborah Bernini, Judge

AFFIRMED

DiCampli, Elsberry & Hunley, LLC  
By Anne Elsberry

Tucson  
Attorneys for Appellant

V Á S Q U E Z, Judge.

¶1 Appellant Jose Miguel Haro-Arce was convicted after a jury trial of one count of illegally conducting an enterprise; nine counts of sale and/or transfer of one gram or more of heroin, a narcotic drug; and two counts of possession of a narcotic drug for sale. He was sentenced to concurrent prison terms, the longest of which was life without the possibility

of parole for twenty-five years imposed on count one. Haro-Arce appealed the convictions and sentences; his appointed counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing that, after searching the entire record, she “has found no arguable, meritorious issues” to raise. She asks us to “search the complete record for fundamental error.”

¶2 We have reviewed the entire record for fundamental, prejudicial error and have found none. The record contains sufficient evidence to support the jury’s verdicts. *See State v. Stroud*, 209 Ariz. 410, ¶ 6, 103 P.3d 912, 913-14 (2005) (appellate court will not disturb convictions if verdicts are supported by sufficient evidence, that is, evidence reasonable jurors would find sufficient for a finding of guilt). Supporting count one, illegally conducting an enterprise, Tucson police officer Jon Collamore testified about how he had purchased drugs repeatedly for a number of months beginning on March 27, 2007. He explained that he would call a certain telephone number and arrange to pick up the drugs at a specified location; the person, the number, and the location changed a few times during these months, but the process remained essentially the same each time, as did the methodical fashion in which the drugs were wrapped and then given to him. He ultimately increased the amount of heroin he wanted to buy in order to discover the identity of the supplier.

¶3 Collamore established Haro-Arce’s codefendants’ involvement in these transactions, identifying a few of them in court as the persons who had actually sold him the drugs. Collamore and other witnesses provided ample evidence linking Haro-Arce to the

codefendants and this enterprise and establishing that he had been one of the leaders of the business. For example, one of Haro-Arce's codefendants, who had also been charged with conducting an illegal enterprise and had entered into a plea agreement with the state, testified he had purchased heroin from Haro-Arce and a few months later had started helping him with his drug business in exchange for drugs by delivering heroin or cocaine to buyers. Additionally, Officer Dimas testified that Haro-Arce had sold drugs to him nine times. And ample evidence established Haro-Arce's guilt on the remaining charges.

¶4 As requested, we have reviewed the entire record for fundamental error. We have found none. That includes our review of the sentences, which are within the statutory parameters and were imposed in a lawful manner. Therefore, we affirm the convictions and the sentences imposed.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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ANN A. SCOTT TIMMER, Judge\*

\*The Honorable Ann A. Scott Timmer, Chief Judge of Division One of the Arizona Court of Appeals, is authorized to participate in this appeal pursuant to A.R.S. § 12-120(F) (2003).